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SENATE BILL 740

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

JANICE D. PASTER

AN ACT

RELATING TO CRIMINAL AND JUVENILE JUSTICE; MANDATING A STUDY REGARDING THE USE OF A PROPOSED SECURE JUVENILE DETENTION FACILITY; REPEALING AND ENACTING A NEW SECTION OF THE NMSA 1978; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new Section 9-3-10.3 NMSA 1978 is enacted to read:

"9-3-10.3. [NEW MATERIAL] STUDY OF SECURE JUVENILE DETENTION FACILITY--DUTIES. --

A. In addition to its other duties set forth in Section 9-3-10 NMSA 1978, the criminal and juvenile justice coordinating council shall assist the children, youth and families department with development of recommendations for the design and use of a secure juvenile detention facility. During

Underscored material = new  
[bracketed material] = delete

1 the study, the council shall consider:

2 (1) the type of facility needed for adequate  
3 protection of the public;

4 (2) which children, up to twenty-one years of  
5 age, require secure detention;

6 (3) which children can achieve reasonable  
7 rehabilitation by the use of procedures, services and facilities  
8 currently available;

9 (4) whether the seriousness of a criminal  
10 offense requires secure detention, including the need for secure  
11 detention if the criminal offense was committed in an  
12 aggressive, violent, premeditated or willful manner;

13 (5) the need for secure detention if the  
14 criminal offense was committed during a transaction or  
15 occurrence that involved gang activity or the use of a firearm;  
16 and

17 (6) the need for secure detention if the  
18 criminal offense was committed against a person or property, and  
19 if against a person, whether personal injury resulted.

20 B. The council shall make recommendations about the  
21 sophistication and maturity of a child requiring secure  
22 detention, taking into account the child's home, environmental  
23 situation, emotional attitude and pattern of living and the  
24 record and previous history of the child.

25 C. The council shall recommend:

Underscored material = new  
[bracketed material] = delete

1 (1) whether a child who receives an adult  
2 sentence should be committed to the jurisdiction of the  
3 children, youth and families department for placement in a  
4 secure juvenile detention facility until twenty-one years of age  
5 or committed to the jurisdiction of the corrections department;

6 (2) whether children thirteen and fourteen  
7 years of age should be subject to adult sentencing and placement  
8 in a secure juvenile detention facility; and

9 (3) statutory changes needed to provide the  
10 children, youth and families department and the courts with  
11 express authority to place a child in a secure juvenile  
12 detention facility.

13 D. The council shall conclude its study of secure  
14 juvenile detention issues and provide a written report of its  
15 findings and recommendations to an interim legislative committee  
16 with jurisdiction over juvenile justice issues no later than  
17 October 1, 1996. "

18 Section 2. DELAYED REPEAL. -- Section 9-3-10.3 NMSA 1978  
19 (being Section 1 of this act) is repealed effective January 1,  
20 1997.

21 Section 3. APPROPRIATION. -- Twenty-five thousand dollars  
22 (\$25,000) is appropriated from the general fund to the criminal  
23 and juvenile justice coordinating council for expenditure in  
24 fiscal year 1997 for the purpose of conducting a study of a  
25 secure juvenile detention facility. Any unexpended or

Underscored material = new  
[bracketed material] = delete

1 unencumbered balance remaining at the end of fiscal year 1997  
2 shall revert to the general fund.

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1 FORTY- SECOND LEGISLATURE

2 SECOND SESSION, 1996

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6 FEBRUARY 1, 1996

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8 Mr. President:

9  
10 Your COMMITTEES' COMMITTEE, to whom has been referred

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12 SENATE BILL 740

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14  
15 has had it under consideration and finds same to be GERMANE, PURSUANT  
16 TO CONSTITUTIONAL PROVISIONS, and thence referred to the JUDICIARY  
17 COMMITTEE.

18  
19 Respectfully submitted,

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25 \_\_\_\_\_  
SENATOR MANNY M. ARAGON, Chairman

Underscored material = new  
~~[bracketed material] = delete~~

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

S0740CC1

1 FORTY-SECOND LEGISLATURE

2 SECOND SESSION, 1996

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5  
6 February 7, 1996

7  
8 Mr. President:

9  
10 Your JUDICIARY COMMITTEE, to whom has been referred

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12 SENATE BILL 740

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14 has had it under consideration and reports same with recommendation that

15 it DO NOT PASS, but that

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18 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR

19 SENATE BILL 740

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21 DO PASS, and thence referred to the FINANCE COMMITTEE.

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23 Respectfully submitted,

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Janice D. Paster, Chairman

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 4 For 1 Against

Yes: 4

No: Vernon

Excused: Sanchez, Scott, Stefani cs, Tsosie

Absent: None

S0740JU1

Underscored material = new  
~~[bracketed material] = delete~~



SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 740

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
1996

AN ACT

RELATING TO CRIMINAL AND JUVENILE JUSTICE; MANDATING A REVIEW OF  
ISSUES ATTENDANT TO A PROPOSED SECURE JUVENILE FACILITY;  
REPEALING AND ENACTING A NEW SECTION OF THE NMSA 1978; MAKING AN  
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new Section 9-3-10.3 NMSA 1978 is enacted to  
read:

"9-3-10.3. [NEW MATERIAL] REVIEW OF ISSUES ATTENDANT TO A  
PROPOSED SECURE JUVENILE FACILITY-- DUTIES. --

A. In addition to its other duties set forth in  
Section 9-3-10 NMSA 1978, the criminal and juvenile justice  
coordinating council shall advise the children, youth and  
families department on the design, location and use of a

. 111799.2

Underscored material = new  
[bracketed material] = delete

1 proposed secure juvenile facility. The council shall consider:

2 (1) the design of a secure juvenile facility  
3 needed for adequate protection of the public;

4 (2) criteria for determining which children, up  
5 to twenty-one years of age, require a secure juvenile facility;

6 (3) criteria for determining which children can  
7 achieve reasonable rehabilitation by the use of procedures,  
8 services and facilities currently available;

9 (4) whether the seriousness of a criminal offense  
10 alone requires secure confinement, including the need for a  
11 secure juvenile facility if the criminal offense was committed  
12 in an aggressive, violent, premeditated or willful manner;

13 (5) the need for secure confinement if the  
14 criminal offense was committed during a transaction or  
15 occurrence that involved criminal gang activity or the use of a  
16 firearm; and

17 (6) the need for secure confinement if the  
18 criminal offense was committed against a person or property, and  
19 if against a person, whether personal injury resulted.

20 B. The council shall advise the children, youth and  
21 families department on the development of a classification  
22 system to indicate when children require secure confinement,  
23 taking into account the child's home, environmental situation,  
24 emotional attitude and pattern of living and the record and  
25 previous history of the child.

1 C. The council shall advise the children, youth and  
2 families department and the corrections department on the  
3 development of criteria regarding:

4 (1) whether children who receive adult sentences  
5 should be committed to the jurisdiction of the children, youth and  
6 families department for placement in a secure juvenile facility  
7 until twenty-one years of age or committed to the jurisdiction of  
8 the corrections department;

9 (2) whether children thirteen and fourteen years of  
10 age who are subject to adult sentencing should be placed in a  
11 secure juvenile facility; and

12 (3) statutory changes needed, if any, to provide the  
13 children, youth and families department and the courts with express  
14 authority to place children in a secure juvenile facility.

15 D. The council shall conclude its review of issues  
16 attendant to a proposed secure juvenile facility and provide a  
17 written report of its findings and recommendations to the children,  
18 youth and families department, the corrections department and an  
19 interim legislative committee with jurisdiction over juvenile  
20 justice issues no later than October 1, 1996. "

21 Section 2. DELAYED REPEAL. -- Section 9-3-10.3 NMSA 1978 (being  
22 Section 1 of this act) is repealed effective January 1, 1997.

23 Section 3. APPROPRIATION. -- Twenty-five thousand dollars  
24 (\$25,000) is appropriated from the general fund to the criminal and  
25 juvenile justice coordinating council for expenditure in fiscal

Underscored material = new  
[bracketed material] = delete

SJC/SB 740

1 year 1997 for the purpose of conducting a review of issues  
2 attendant to a proposed secure juvenile facility. Any unexpended  
3 or unencumbered balance remaining at the end of fiscal year 1997  
4 shall revert to the general fund.

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

SB 740/a

February 8, 1996

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE JUDICIARY COMMITTEE SUBSTITUTE  
FOR SENATE BILL 740

has had it under consideration and reports same with recommendation  
that it DO PASS, amended as follows:

1. On page 1, lines 13 and 14, strike "; MAKING AN  
APPROPRIATION".

2. On page 3, strike lines 24 and 25 in their entirety and on  
page 4, strike lines 1 through 5 in their entirety.

Respectfully submitted,

SJC/SB 740

**FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996**

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Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Aragon, Ingle, Jennings T., Kidd, Kysar, Sanchez

Absent: None

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Underscored material = new  
[bracketed material] = delete

**State of New Mexico  
House of Representatives**

FORTY- SECOND LEGISLATURE  
SECOND SESSION, 1996

February 14, 1996

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to whom  
has been referred

SENATE JUDICIARY COMMITTEE SUBSTITUTE  
FOR SENATE BILL 740, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

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Max Coll, Chairman

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

SJC/SB 740

CS/SB 740

Page 16

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 17 For 0 Against

Yes: 17

Excused: Casey

Absent: None

S0740AF1

Underscored material = new  
~~[bracketed material] = delete~~



# **State of New Mexico House of Representatives**

**FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996**

**February 13, 1996**

**Mr. Speaker:**

**Your JUDICIARY COMMITTEE, to whom has been referred**

**SENATE JUDICIARY COMMITTEE SUBSTITUTE  
FOR SENATE BILL 740, as amended**

**has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
APPROPRIATIONS AND FINANCE COMMITTEE.**

**Respectfully submitted,**

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**Cisco McSorley, Chairman**

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

SJC/SB 740

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Sanchez, R. G.

Absent: None

S0740JC1

Underscored material = new  
[bracketed material] = delete